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Chairman: Mr. Morikawa (Vice-Chairman) ..... (Japan)

Contents

Agenda item 102: Advancement of women (*continued*)

Agenda item 106: Programme of activities of the International Decade of the World's Indigenous People (*continued*)

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In the absence of the Chairman, Mr. Morikawa (Japan), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 102: Advancement of women (*continued*) (A/C.3/57/L.18)

1. **Ms. van Glaanen Weygel** (Suriname) introduced draft resolution A/C.3/57/L.18, entitled "Situation of older women in society". As the world population aged, older women outnumbered older men all over the world; their situation must therefore be a priority. The draft resolution stressed the need for recognition of the differential impact of ageing on men and women in order to integrate a gender perspective into all policies, programmes and legislation.

Agenda item 106: Programme of activities of the International Decade of the World's Indigenous People (*continued*) (A/57/296, A/57/395 and A/C.3/57/L.7)

2. **Ms. Viotti** (Brazil) said that the establishment of the Permanent Forum on Indigenous Issues had given that important topic its rightful place on the international agenda. Given the importance of its work and the wide scope of its mandate, it was essential to ensure that the Forum was supported by a firm and predictable institutional structure.

3. Her delegation was actively involved in the drafting of both an inter-American declaration and the proposed United Nations declaration on the rights of indigenous peoples. The latter declaration, which must be universally acceptable and politically realistic, would provide the Permanent Forum with a solid framework for the promotion and protection of indigenous rights.

4. Turning to the situation of indigenous peoples in Brazil, she said that the Brazilian Constitution recognized their social organization, customs, languages, beliefs and traditions and granted them the original rights to the land they traditionally occupied, which amounted to more than 11 per cent of the national territory. The sustainable development of communities living next to indigenous lands was essential to prevent invasions of demarcated indigenous areas. Brazil's indigenous population was growing faster than the national average, due not only to higher birth rates but also to higher life expectancy. The evolving discussion on indigenous rights at the international level was a powerful tool for reinforcing commitments at home, and her delegation therefore welcomed the inclusion of indigenous issues in the Plan of Action of the World Summit on Sustainable Development and the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination , Xenophobia and Related Intolerance.

5. Lastly, the International Decade of the World's Indigenous People must be more than a symbolic gesture, it must contribute to a new era of sustainable development and full respect for indigenous rights.

6. **Ms. Taracena Secaira** (Guatemala) said that the creation of the Permanent Forum on Indigenous Issues was only a beginning; the establishment of a secretariat would be essential to enable the Forum to fulfil its mandate.

7. The issue of indigenous peoples was of fundamental importance for Guatemala, where 42.8 per cent of the population identified themselves as indigenous. Historically, the indigenous population, which was divided into three peoples, the Maya, made up of 21 ethnic groups, the Garifuna and the Xinca, had been severely disadvantaged. A recently adopted social development and population policy set strategic goals for improving the lives of indigenous population, but the Government's political will to achieve such goals was often hampered by lack of resources. The policy was intended to meet the challenge of helping integrate the population so that all citizens shared equally in the benefits of social development, through the implementation of a comprehensive population policy that recognized that poverty and extreme poverty were more deeply entrenched among the indigenous population. Another major challenge was cultural and linguistic diversity and the need for the education system to recognize and respect that diversity and help overcome prejudice and discrimination.

8. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had visited Guatemala in 2002 and had reported on the adoption of special legislation in Guatemala to protect indigenous rights. The creation of the Office for the Defence of Indigenous Women's Rights was also a major advance.

9. One persistent problem in Guatemala was that of land use and ownership, not only because land was essential for the predominantly indigenous rural population, but also because land held a special place

in the world view of indigenous peoples. Ensuring more rational land use was one of the priorities of the Peace Agreements.

10. **Mr. Leslie** (Belize), speaking on behalf of the States member of the Caribbean Community (CARICOM), welcomed the role played by the Office of the High Commissioner for Human Rights in promoting inter-agency cooperation on indigenous issues, as described in the report of the Secretary-General on the implementation of the programme of activities of the International Decade of the World's Indigenous People (A/57/395). He thanked those States that had contributed to the United Nations Voluntary Fund for Indigenous Populations and urged support for General Assembly resolution 56/140, under which it had been decided that the Fund should also be used to help representatives of indigenous communities and organizations attend sessions of the Permanent Forum on Indigenous Issues as observers.

11. While the quality of life of indigenous peoples had improved, vigilance was required to counter the new difficulties they faced. The CARICOM countries would continue to pay keen attention to the work being undertaken on a draft declaration on the rights of indigenous peoples, which must include the right to development and to participate in development on a basis of equality, non-discrimination and respect for diversity.

12. CARICOM countries welcomed the establishment of the Permanent Forum on Indigenous Issues, which would provide critical advice to the Economic and Social Council. In particular, they noted with satisfaction the Forum's role as an equal participant in deliberations within the United Nations and hoped that its work would lead to greater participation and benefits for indigenous people. They supported the establishment within existing resources, of a support secretariat for the Forum, which would benefit from the expertise of an independent special adviser with long-standing experience of indigenous issues.

13. The CARICOM countries commended the Office of the High Commissioner for Human Rights for its efforts in the Indigenous Fellowship Programme, which gave indigenous individuals the opportunity to gain experience in human rights and to serve as resource persons in their communities. The human and institutional capacities of indigenous people must be strengthened so that they could participate actively in decision-making.

14. The CARICOM countries were keen to play an important role in indigenous development. Indigenous peoples' understanding of the harmony between human lives and the environment was just a small part of their contribution towards sustainable development. The CARICOM countries remained committed to ensuring the advancement of their indigenous peoples, with a special focus on expanding access to education and healthcare for indigenous children.

15. In 2000, his Government had signed an agreement with the Maya peoples of southern Belize recognizing their right to the land and resources of that area, based on long-standing use and occupancy, and creating a partnership to co-manage the natural resources of protected areas. Under the national poverty-eradication strategy being implemented in consultation with Maya community leaders, the Government had built schools, provided access to technology and supported environmental protection and development programmes that respected Maya cultural values. Consultations with indigenous communities were also under way on the implementation of a regional development plan for southern Belize, with funding from the Inter-American Development Bank. Such efforts were often hindered by natural disasters, however, which could destroy years of work in a matter of hours. In 2001, a hurricane had left thousands of indigenous people homeless.

16. In some CARICOM countries, the traditional migration patterns of small tribes dispersed over large remote areas challenged government efforts to fulfil their obligations to their indigenous peoples.

17. In Guyana, through the collaborative efforts of the Government, the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) increased emphasis had been placed on poverty alleviation, with a special focus on healthcare, education, food and nutrition and community ownership of programmes.

18. The commitment of the CARICOM countries to integrating indigenous peoples in their development agenda was unquestionable and included indigenous people's participation in decision-making to ensure that their customs were taken into consideration in the sustainable development of those countries' natural resources. They were aware of the contributions and

sacrifices that indigenous peoples had made to national development and remained committed to protecting and improving their quality of life.

19. **Mr. Zhao** Xing (China) said that the establishment of the Permanent Forum on Indigenous Issues signified that Governments and indigenous peoples had begun to establish a true partnership within the framework of the United Nations. The drafting of a declaration on the rights of indigenous peoples was another important task to be completed during the International Decade of the World's Indigenous People. His delegation believed that the key to a breakthrough in drafting the declaration lay in finding a balance between supporting the legitimate demands of indigenous peoples and safeguarding the overall interests of the countries where they lived. It hoped that both sides would show political wisdom and flexibility so as to fulfil their commitment to promoting and protecting the rights of indigenous people through action.

20. Prior to the establishment of the Forum, the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights had done a great deal of work in that area and had in fact originated the idea of drafting the declaration and establishing the Forum. His delegation, like many others, supported the continuation of the Working Group, which could play a unique role as a think-tank on indigenous rights.

21. The evaluations of existing mechanisms dealing with indigenous issues requested under Economic and Social Council resolution 2000/22 and decision 2001/316 were intended to strengthen coordination among those mechanisms and establish clear-cut divisions of labour. His delegation believed that the Special Rapporteur should focus on collecting the latest information on indigenous people throughout the world, the Working Group should emphasize thematic research and the main function of the Forum should be to strengthen mutual trust and understanding between Governments and indigenous people through dialogue.

22. **Mr. Chuquihuara** (Peru) said that multiculturalism was one of the most important features of Peruvian society. Indigenous peoples had long played a fundamental role in Peru and the Government was doing its utmost to promote equal opportunity for them.

23. At the international level, his delegation had been active in the Working Group on a draft declaration on the rights of indigenous peoples. It welcomed the establishment of the Permanent Forum, but was concerned that sufficient resources should be allocated from the regular budget to support its future work. At the regional level, efforts were being made within the Organization of American States and the Andean Community to draft instruments on indigenous rights and to develop policies and strategies that recognized ethnic pluralism and promoted the full participation of indigenous peoples and ethnic minorities. His delegation also appreciated the activities of the Voluntary Fund for Indigenous Populations in supporting sustainable development projects, since international assistance was essential for overcoming the inequalities suffered by the region's indigenous peoples.

24. At the national level, a National Commission of Andean and Amazonian Peoples had been set up, headed by the First Lady and bringing together Government representatives, indigenous groups and scholars, to ensure the recognition and application by Peruvian society of the collective and individual rights of indigenous peoples, strengthen their organizations and help them to become agents of their own sustainable development. The Government and society were committed to an inclusive development model that would integrate indigenous peoples while preserving their culture and traditional communities.

25. **Mr. Boichenko** (Russian Federation) said that the International Decade had evidently helped to raise the profile of indigenous issues. Much had been achieved within the framework of the United Nations, and indigenous representatives had participated in the drafting of a declaration on the rights of indigenous peoples on an equal footing with Government representatives. Their contribution to the success of the first session of the Permanent Forum was particularly significant. His delegation welcomed the fact that increasing numbers of indigenous representatives were participating in the work of the United Nations thanks to the United Nations Voluntary Fund for Indigenous Populations. All parts of the United Nations system were, to varying degrees, involved in advancing the aims of the International Decade, most importantly with the cooperation of indigenous peoples themselves.

26. The acute problems confronting indigenous people, including issues touching on their very

survival, could not be solved at the international level alone. Without concerted action at the national level, the goals of the International Decade would not be attained.

27. In recent years, his Government had given priority to strengthening the laws regulating relations between the State and indigenous peoples in a number of areas. Effective mechanisms were required to ensure their implementation at the local and district levels, however. His Government sought to support indigenous peoples by creating conditions for their economic and social development. A State programme in northern Russia focused on housing, health, education and reindeer husbandry. Special attention was also being accorded to indigenous children, particularly to their social and professional integration in society. The overall aim was to shift gradually from direct State support to economic self-sufficiency. A further challenge was to develop a legal mechanism for regulating land use issues and for ensuring the sustainable development of indigenous peoples. Recognizing that the problems affecting its indigenous peoples were still far from being solved, his Government was giving priority to indigenous and minority issues and planned to conduct an assessment of national follow-up to the goals of the International Decade in early 2003.

28. **Mr. Tomoshige** (Japan), welcoming the success of the first session of the Permanent Forum on Indigenous Issues, said that cooperation and coordination among States, international organizations and indigenous peoples were required if the Forum was to remain a success. His Government, which had contributed US$ 25,000 to the United Nations Trust Fund for the International Decade of the World's Indigenous People in 2001, hoped that the Forum would discuss comprehensively the entire range of issues affecting indigenous people. Although significant progress had been achieved during the International Decade, much remained to be done. His delegation understood the need to ensure that the Forum functioned effectively and it looked forward to considering the Secretary-General's proposal concerning the establishment of a secretariat unit. However, it also wished to stress the importance of avoiding duplication and welcomed the forthcoming review of all existing mechanisms within the United Nations concerning indigenous issues.

29. **Ms. van Glaanen Weygel** (Suriname) said that Suriname had one of the most ethnically diverse populations in the world, which included various indigenous Amerindian tribes and Maroons. The Constitution prohibited all forms of discrimination, while the Government recognized the rights of indigenous people, respected their habitat and had a positive relationship with them.

30. With regard to land rights, the Government was working on a solution that would be mutually beneficial for all parties by holding national consultations and establishing a committee to draft the necessary legislation. Indigenous people in Suriname occupied leading positions in nature conservation and research activities and their traditional knowledge was being used to further sustainable development. Various sustainable development projects in indigenous areas were receiving support from international environmental organizations.

31. A protocol signed between the Government and the indigenous people of Suriname in June 2000 acknowledged the collective rights of indigenous people to use the areas allocated to them, based on the principle of natural borders, and provided for a special development fund to assist them. The Government had also committed itself to eradicating poverty and developing infrastructure in indigenous areas, including in the areas of education, healthcare, drinking water and electricity supply, transportation and telecommunications.

32. **Mr. Choi** (Australia), expressing his delegation's support for efforts to protect and promote the rights of indigenous people, said that the International Decade was an important means to that end. By allowing indigenous voices to be heard, the Permanent Forum would play a valuable role in coordinating United Nations activity on indigenous issues and ensuring that those issues were integrated into the Organization's overall agenda. Member States should ensure that the Forum was able to function effectively and should support the establishment of a secretariat to that end, to be operational by the Forum's next session in May 2003.

33. His delegation also recognized the importance of drafting a declaration on the rights of indigenous peoples and urged all parties to engage constructively in that process, with a view to developing an effective instrument by the end of the International Decade.

34. While strongly supporting the Decade's activities, his delegation maintained its position that all United Nations mechanisms must be efficient and effective. It remained concerned at the clear overlap among the mechanisms dealing with indigenous issues and felt that, at a time of budgetary constraints, they needed to be streamlined. It therefore supported the review mandated by the Economic and Social Council, which must be conducted expeditiously by an impartial body.

35. His Government's approach to indigenous issues at the international level was matched by its commitment at the national level. It acknowledged that the Aboriginal and Torres Strait Islander peoples were still the most disadvantaged group in Australian society and was determined to rectify the problem. It was aiming for a future in which indigenous Australians shared equitably in social and economic opportunities and was committed to addressing their specific health, housing, employment and education needs. National spending on indigenous issues would rise to a record US$ 2.5 billion in the next biennium, reflecting the Government's commitment to addressing the underlying causes of indigenous disadvantage, based on a partnership with indigenous people and on the principle that they should have greater opportunities for exercising meaningful control over their affairs and an effective voice in decision-making on matters directly affecting them. The Government was determined to achieve practical reconciliation between indigenous and non-indigenous Australians in what was a culturally diverse and tolerant society founded upon mutual respect, compassion and a commitment to human rights for all.

36. **Ms. Pulido** (Venezuela) said that Venezuela's cultural diversity and the contribution of its indigenous peoples to shaping the national identity and basic social institutions were recognized by law and in the Constitution, Title II of which recognized the existence of Venezuela's indigenous peoples, their right to use their own languages and maintain their own forms of organization and to use the natural resources of their traditional lands in order to preserve their way of life and culture. That represented a profound change in the country's political and legal thinking. Municipal legislation was also pending under which local governments would have to take into account the traditional organization of local indigenous groups and allow them to apply their internal customary law.

37. Her delegation welcomed the establishment of the Permanent Forum and had participated actively in its first session. It hoped that a secretariat for the Forum would be created within the Department of Economic and Social Affairs. It reiterated its commitment to the drafting of a declaration on the rights of indigenous peoples. Venezuela had joined the United Nations Voluntary Fund for Indigenous Populations in May 2002 in order to provide opportunities for the development of projects of interest to its indigenous communities, and has recently ratified International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples.

38. **Mr. Rao** (World Intellectual Property Organization (WIPO)) said that the International Decade was of special interest to WIPO in the context of the protection and promotion of the traditional knowledge, genetic resources and cultural expressions of indigenous peoples as forms of their intellectual property. In a globalized, knowledge-based economy and amidst concerns for the preservation and promotion of cultural diversity, traditional knowledge, innovations and creativity had assumed increasing commercial, cultural and social value.

39. WIPO had been working in the area of traditional knowledge, initially limited to "expressions of folklore", for over two decades. In 1998 its work had expanded to include property rights relating to genetic resources and traditional knowledge, culminating in the establishment, in September 2000, of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. In cooperation with the Secretariat of the Convention on Biological Diversity, the Intergovernmental Committee was in the process of conducting an examination of intellectual property clauses in existing contractual agreements on access to genetic resources and associated benefit-sharing, with the aim of establishing a public electronic database on such contracts. It had also been considering how best to integrate existing public-domain traditional knowledge documentation within the existing intellectual property system and assessing the role that the existing system might play in the protection of traditional knowledge, as well as the possibility of developing a new system. Such work had benefited from the active participation of indigenous representatives.

The meeting rose at 11.40 a.m.